# Case 3:154-cv-025612-PBGs Document-144Filed 6/6/1/0/14 Pagge-106/1



#### UNITED STATES DISTRICT COURT

#### Southern District of California

Office Of The Clerk 333 West Broadway, Suite 420 San Diego, California 92101 Phone: (619) 557–5600 Fax: (619) 702–9900

John Morrill, Clerk of Court, Clerk of Court 14 3418

June 10, 2014

Clerk, U.S. District Court District of Eastern District of Pennsylvania 601 Market Street, Room 2609 Philadelphia, PA 19106–1797

Re: Natalie Dowell, et al. v. General Information Services, Inc., et al., Case No. 3:13-cv-02581-L-BGS

Dear Sir or Madam:

Pursuant to Order transferring the above—entitled action to your District, we are electronically transmitting herewith our entire original file.

Sincerely yours,

John Morrill, Clerk of Court, Clerk of the Court

By: s/S. Tweedle, Deputy Clerk

Copy to Attorney for Plaintiffs: Copy to Attorney for Defendants:

DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar. Address of Plaintiff: Address of Defendant: Place of Accident, Incident or Transaction: (Use Reverse Side For Additional Space) Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 1020 or more of its stock? (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.R. 7.1(a)) Does this case involve multidistrict litigation possibilities? Yes D Date Terminated: Case Number: Civil cases are deemed related when yes is answered to any of the following questions 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? No□ CIVIL: (Place / in ONE CATEGORY ONLY) A. Federal Question Cases: B. Diversity Jurisdiction Cases: 1. □ Indemnity Contract, Marine Contract, and All Other Contracts 1. 

Insurance Contract and Other Contracts 2. D FELA 2. □ Airplane Personal Injury 3. 

Assault, Defamation 3. □ Jones Act-Personal Injury 4. 

Antitrust 4. □ Marine Personal Injury 5. D Patent 5. D Motor Vehicle Personal Injury 6. □ Other Personal Injury (Please specify) 6. □ Labor-Management Relations 7. 

Civil Rights 7. 

Products Liability 8. 

Products Liability — Asbestos 8. □ Habeas Corpus 9. 

All other Diversity Cases 9. □ Securities Act(s) Cases 10. □ Social Security Review Cases (Please specify) All other Federal Question Cases (Please specify) ARBITRATION CERTIFICATION (Check Appropriate Category) counsel of record do hereby certify: Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs; JUN 1 0 2014 □ Relief other than monetary damages is sought. DATE: Attorney-at-Law Attorney I.D.# NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38. I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court

CIV. 609 (5/2012)

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PBT

# IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

#### **CASE MANAGEMENT TRACK DESIGNATION FORM**

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SEI	LECT ONE OF THE FOI	LOWING CASE MANA	GEMENT TRACKS:		
(a)	Habeas Corpus – Cases bro	ought under 28 U.S.C. § 22	241 through § 2255.	(	)
		questing review of a decision of a decision of a decision of a decirity of a decirity	on of the Secretary of Health Benefits.	(	)
(c)	Arbitration – Cases require	ed to be designated for arbit	tration under Local Civil Rule 53.2	2. (	)
	Asbestos – Cases involving exposure to asbestos.	g claims for personal injury	or property damage from	(	)
	commonly referred to as co	ses that do not fall into trace omplex and that need speci- e of this form for a detailed	al or intense management by	عر	7
(f)	Standard Management – C	ases that do not fall into an	y one of the other tracks.	(×	9)
Dat	6/10/14 e	Steve Torras _Attorney-at-law	Deputy ()	'ert	k _
Tel	ephone	FAX Number	E-Mail Address		_

(Civ. 660) 10/02

CLOSED, STAYED

# U.S. District Court Southern District of California (San Diego) CIVIL DOCKET FOR CASE #: 3:13-cv-02581-L-BGS

Dowell et al v. General Information Servics, Inc. et al

Assigned to: Judge M. James Lorenz

Referred to: Magistrate Judge Bernard G. Skomal Case in other court: S.D.C.S.C. - Central Division, 37-

02013-00046573

Cause: 28:1446 Petition for Removal

Date Filed: 10/25/2013
Date Terminated: 06/10/2014
Jury Demand: Plaintiff

Nature of Suit: 890 Other Statutory

Actions

Jurisdiction: Federal Question

#### **Plaintiff**

#### **Natalie Dowell**

individually and on behalf of themselves and all others similarly situated

#### represented by Cynthia B Chapman

Coddell and Chapman 1331 Lamar Street Suite 1070 Houston, TX 77010-3027 (713)751-0400 Fax: (713)751-0906 Email: cbc@caddellchapman.com LEAD ATTORNEY ATTORNEY TO BE NOTICED

#### Devin H. Fok

The Law Offices of Devin H. Fok P.O. Box 7165 Alhambra, CA 91802-7165 (310) 430-9933 Fax: (323) 563-3445 Email: devin@devinfoklaw.com LEAD ATTORNEY ATTORNEY TO BE NOTICED

#### Michael A. Caddell

Caddell and Chapman 1331 Lamar Suite 1070 Houston, TX 77010-3027 (713) 751-0400 Fax: (713) 751-0906 Email: mac@caddellchapman.com LEAD ATTORNEY ATTORNEY TO BE NOTICED

#### **Plaintiff**

Lee Clark

represented by Cynthia B Chapman

individually and on behalf of themselves and all others similarly situated (See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

#### Devin H. Fok

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

#### Michael A. Caddell

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

#### **Plaintiff**

#### Leo Kidd

individually and on behalf of themselves and all others similarly situated

#### represented by Cynthia B Chapman

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

#### Devin H. Fok

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

#### Michael A. Caddell

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

#### **Intervenor Plaintiff**

**United States of America** 

#### represented by Ann F. Entwistle

United States Department of Justice 450 Fifth Street NW Room 6231 Washington, DC 20530 (202)305-3630 Fax: (202)514-8742 Email: Ann.F.Entwistle@usdoj.gov LEAD ATTORNEY ATTORNEY TO BE NOTICED

V.

#### **Defendant**

General Information Services, Inc. a foreign corporation doing business in

represented by Gary J Lorch

Gordon & Rees LLP

California

633 West Fifth Street
Suite 4900
Los Angeles, CA 90071
(213)576-5000
Fax: (213)680-4470
Email: glorch@gordonrees.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

#### Cindy D Hanson

Kilpatrick Townsend & Stockton 1100 Peachtree Street Suite 2800 Atlanta, GA 30309-4530 (404)815-6500 Fax: (404) 815-6555 Email: chanson@ktslaw.com PRO HAC VICE ATTORNEY TO BE NOTICED

#### John P. Jett

Kilpatrick Townsend & Stockton 1100 Peachtree Street Suite 2800 Atlanta, GA 30309 (404) 815-6500 Fax: (404) 815-6555 Email: jjett@ktslaw.com PRO HAC VICE ATTORNEY TO BE NOTICED

#### Richard D. Dietz

Kilpatrick Townsend & Stockton 1001 West Fourth Street Winston-Salem, NC 27101 (336) 607-7300 Email: rdietz@ktslaw.com PRO HAC VICE ATTORNEY TO BE NOTICED

#### Ross D Andre

Kilpatrick Townsend & Stockton 1100 Peachtree Street Suite 2800 Atlanta, GA 30309 (404) 815-6500 Fax: (404) 815-6555 Email: randre@ktslaw.com PRO HAC VICE ATTORNEY TO BE NOTICED

## **Defendant**

## Does 1-10 inclusive

#	Docket Text	
1	NOTICE OF REMOVAL with Jury Demand from S.D.C.S.C Central Division, case number 37-2013-00046573-CU-OE-CTL (filing fee \$400 receipt number 0974-6434766), filed by General Information Servics, Inc. (t/w Complaint in Removal). (Attachments: # 1 Exhibit A - State Court Documents, # 2 Exhibit B, # 3 Proof of Service, # 4 Civil Case Cover Sheet).	
	The new case number is 3:13-cv-2581-L-BGS. Judge M. James Lorenz and Magistrate Judge Bernard G. Skomal are assigned to the case. (Lorch, Gary) (dls) (ATTNY MAINT) (cap). (Entered: 10/25/2013)	
2	Corporate Disclosure Statement by General Information Servics, Inc. (dls) (cap). (Entered: 10/25/2013)	
<u>3</u>	**DOCUMENT STRICKEN PER ORDER 4 ** Joint MOTION for Extension of Time to File Answer re 1 Notice of Removal,, (Respond to Plaintiffs' First Amended Colmplaint) by General Information Servics, Inc (Lorch, Gary) (Main Document 3 replaced on 10/30/2013) (sjt). Modified to Strike on 10/30/2013 (sjt). (Entered: 10/29/2013)	
4	Notice of Document Discrepancies and Order Thereon by Judge M. James Lorenz: Rejecting Document, from Defendant General Information Servics, Inc., re 3 Joint MOTION for Extension of Time to File Answer re 1 Notice of Removal (Respond to Plaintiffs' First Amended Colmplaint). Non-compliance with local rule(s), ECF 2(f): Joint motion missing signature certification. IT IS HEREBY ORDERED: The document is rejected. It is ordered that the Clerk STRIKE the document from the record, and serve a copy of this order on all parties. Signed by Judge M. James Lorenz on 10/30/2013.(sjt) (Entered: 10/30/2013)	
<u>5</u>	Joint MOTION for Extension of Time to File Answer re 4 Notice of Docum Discrepancies (White Discrepancy),, (to First Amended Complaint) by Ger Information Servics, Inc (Lorch, Gary) (sjt). (Entered: 10/30/2013)	
<u>6</u>	ORDER granting <u>5</u> Joint Motion for Extension of Time to Respond. General Information Services, Inc. answer due 11/15/2013 Signed by Judge M. James Lorenz on 11/04/13. (jpp) (av1). (Entered: 11/04/2013)	
7	MOTION to Dismiss with Prejudice Count I of the First Amended Complaint by General Information Services, Inc (Attachments: # 1 Memo of Points at Authorities, # 2 Exhibit A, # 3 Proof of Service)(Lorch, Gary) (sjt). (Entered 11/15/2013)	
8	NOTICE by General Information Services, Inc. re 7 MOTION to Dismiss with Prejudice Count I of the First Amended Complaint (Lorch, Gary) (sjt). (Entered: 11/15/2013)	
	1 2 3 4	

11/15/2013	9	REQUEST FOR JUDICIAL NOTICE by General Information Services, Inc. re 7 MOTION to Dismiss with Prejudice Count I of the First Amended Complaint (Attachments: # 1 Exhibit A, # 2 Proof of Service)(Lorch, Gary) (sjt). (Entered: 11/15/2013)	
11/15/2013	<u>10</u>	Affidavit of Service by General Information Services, Inc. re <u>8</u> Notice, <u>7</u> MOTION to Dismiss with Prejudice Count I of the First Amended Complaint, <u>9</u> Request for Judicial Notice, (Lorch, Gary) Modified on 11/18/2013 (sjt). (Entered: 11/15/2013)	
11/26/2013	11	PRO HAC VICE APPOINTED: Ross D Andre appearing for Defendant General Information Services, Inc., Receipt # 57159. (jao) (Entered: 11/26/2013)	
11/26/2013	<u>12</u>	PRO HAC VICE APPOINTED: Richard D. Dietz appearing for Defendant General Information Services, Inc., Receipt # 57163. (jao) (Entered: 11/26/2013)	
11/26/2013	<u>13</u>	PRO HAC VICE APPOINTED: Cindy D Hanson appearing for Defendant General Information Services, Inc., Receipt # 57160. (jao) (Entered: 11/26/2013)	
12/02/2013	14	PRO HAC VICE APPOINTED: John P. Jett appearing for Defendant General Information Services, Inc., Receipt # 57378. (jao) (Entered: 12/02/2013)	
12/03/2013	<u>15</u>	CERTIFICATE OF SERVICE by General Information Services, Inc. re 8 Notice (Other), 7 MOTION to Dismiss with Prejudice Count I of the First Amended Complaint, 10 Notice (Other), 9 Request for Judicial Notice (by Certified and Registered Mail on the Attorney General-return receipts attached) (Attachments: # 1 Exhibit A, # 2 Proof of Service)(Lorch, Gary) (sjt). (Entered: 12/03/2013)	
12/04/2013	<u>16</u>	**DOCUMENT STRICKEN PER ORDER 17 ** Joint MOTION to Continue Hearing on Defendant's Motion to Dismiss and Setting Briefing Schedule by Lee Clark. (Fok, Devin) (sjt). (Main Document 16 replaced on 12/6/2013) (sjt). Modified to Strike on 12/6/2013 (sjt). (Entered: 12/04/2013)	
12/05/2013	17	Notice of Document Discrepancies and Order Thereon by Judge M. James Lorenz: Rejecting Document, from Plaintiff Lee Clark, re 16 Joint MOTION to Continue Hearing on Defendant's Motion to Dismiss and Setting Briefing Schedule. Non-compliance with local rule(s), ECF 2(g): Multiple pleadings in one docket entry not separated out as attachments, ECF 2(f): Lacking proper signature. IT IS HEREBY ORDERED: The document is rejected. It is ordered that the Clerk STRIKE the document from the record, and serve a copy of this order on all parties. Signed by Judge M. James Lorenz on 12/5/2013.(sjt) (Entered: 12/06/2013)	
12/06/2013	18	MOTION to Intervene by United States of America. (Attachments: # 1 Memo of Points and Authorities, # 2 Proof of Service)(Entwistle, Ann)Attorney Ann F. Entwistle added to party United States of America(pty:intv) (sjt). (Entered: 12/06/2013)	
12/09/2013	<u>19</u>	Joint MOTION to Continue Hearing Date on Defendant's Motion to Dismiss	

		and Setting Briefing Schedule by Natalie Dowell. (Fok, Devin) (sjt). (Entered: 12/09/2013)	
12/09/2013	20	Amended Proof of Service re: 19 Joint MOTION to Continue Hearing Date on Defendant's Motion to Dismiss and Setting Briefing Schedule by Natalie Dowell(Attachments: # 1 Exhibit Joint Motion to Continue Hearing Date et al.) (Fok, Devin) Modified to correct filing on 12/10/2013 (sjt). (Entered: 12/09/2013)	
12/10/2013	21	Notice of Document Discrepancies and Order Thereon by Judge M. James Lorenz: Accepting Document, from Plaintiff Lee Clark, re 20 Amended MOTION to Continue Joint Hearing Date on Defendant's Motion to Dismiss and Setting Briefing Schedule. Non-compliance with local rule(s), ECF 2(f): Proof of service not signed. IT IS HEREBY ORDERED: The document is accepted despite the discrepancy noted above. Any further non-compliant documents may be stricken from the record. Signed by Judge M. James Lore on 12/9/2013.(sjt) (Entered: 12/10/2013)	
12/13/2013	22	ORDER granting 19 Joint Motion to Continue re 7 Motion to Dismiss. Responses due by 2/21/2014 Replies due by 3/14/2014. Motion Hearing continued to 3/28/2014 10:30 AM in Courtroom 5B before Judge M. James Lorenz. Signed by Judge M. James Lorenz on 12/13/2013. (sjt) (Entered: 12/13/2013)	
01/06/2014	23	NOTICE that the Solicitor General has officially approved the participation of the United States in this action by United States of America re 18 MOTION to Intervene (Attachments: # 1 Proof of Service)(Entwistle, Ann) Modified on 1/7/2014 (sjt). (Entered: 01/06/2014)	
01/13/2014	24	NON Opposition re <u>18</u> MOTION to Intervene filed by General Information Services, Inc (Attachments: # <u>1</u> Proof of Service)(Lorch, Gary) (sjt). (Entere 01/13/2014)	
01/13/2014	<u>25</u>	ORDER granting 18 Motion to Intervene and Establishing Briefing Schedule. The Court Certifies that the constitutionality of 15 U.S.C. § 1681c has been challenged in Defendants motion to dismiss. In addition, pursuant to FRCP 5.1 and 24, the Court Grants the United States unopposed motion to intervene. Defendants motion to dismiss is set for hearing on March 28, 2014 at 10:30 a.m. The Court now orders the intervening party, the United States of America, to file its opposition to Defendants motion to dismiss by February 21, 2014. Defendant shall file its reply to the United States of Americas opposition by March 14, 2014. Signed by Judge M. James Lorenz on 1/13/2014. (sjt) (Entered: 01/13/2014)	
02/07/2014	26	NOTICE of Appearance by Michael A. Caddell on behalf of Lee Clark, Natalie Dowell, Leo Kidd (Caddell, Michael)Attorney Michael A. Caddell added to party Lee Clark(pty:pla), Attorney Michael A. Caddell added to party Natalie Dowell(pty:pla), Attorney Michael A. Caddell added to party Leo Kidd(pty:pla) (sjt). (Entered: 02/07/2014)	
02/07/2014	<u>27</u>	NOTICE of Appearance by Cynthia B Chapman on behalf of Lee Clark, Natalie Dowell, Leo Kidd (Chapman, Cynthia)Attorney Cynthia B Chapman added to party Lee Clark(pty:pla), Attorney Cynthia B Chapman added to party	

		Natalie Dowell(pty:pla), Attorney Cynthia B Chapman added to party Leo Kidd (pty:pla) (sjt). (Entered: 02/07/2014)	
02/11/2014	<u>28</u>	MOTION for Partial Summary Judgment by General Information Services, Inc (Attachments: # 1 Memo of Points and Authorities, # 2 Declaration of Ross Andre, # 3 Declaration of Jamie Pelchat, # 4 Declaration of John Bitar, # 5 Proof of Service)(Lorch, Gary) (sjt). (Entered: 02/11/2014)	
02/12/2014	<u>29</u>	Notice of Document Discrepancies and Order Thereon by Judge M. James Lorenz: Accepting Document, from Defendant General Information Services Inc., re 28 MOTION for Partial Summary Judgment. Non-compliance with local rule: ECF § 2(k): Exhibits not filed as separate attachments and missing Table of Contents. IT IS HEREBY ORDERED: The document is accepted despite the discrepancy noted above. Any further non-compliant documents may be stricken from the record. Signed by Judge M. James Lorenz on 2/12/2014.(sjt) (Entered: 02/12/2014)	
02/20/2014	<u>30</u>	RESPONSE in Opposition re 7 MOTION to Dismiss with Prejudice Count I of the First Amended Complaint filed by United States of America. (Attachments: # 1 Proof of Service)(Entwistle, Ann) (jpp). (Entered: 02/20/2014)	
02/21/2014	31	RESPONSE in Opposition re 7 MOTION to Dismiss with Prejudice Count I the First Amended Complaint filed by Natalie Dowell. (Attachments: # 1 Me of Points and Authorities, # 2 Exhibit Proposed Order Denying Defendant's Motion to Dismiss)(Fok, Devin) (sjt). (Entered: 02/21/2014)	
02/24/2014	32	Notice of Document Discrepancies and Order Thereon by Judge M. James Lorenz: Accepting Document, from Plaintiff Natalie Dowell, re 31 Response in Opposition to Motion,. Non-compliance with local rule(s), ECF 2(h): Includes a proposed order or requires judges signature. IT IS HEREBY ORDERED: The document is accepted despite the discrepancy noted above. Any further non-compliant documents may be stricken from the record. Signed by Judge M. James Lorenz on 2/24/2014.(sjt) (Entered: 02/24/2014)	
03/14/2014	<u>33</u>	REPLY to Response to Motion re 7 MOTION to Dismiss with Prejudice Count I of the First Amended Complaint filed by General Information Services, Inc (Attachments: # 1 Proof of Service)(Lorch, Gary) (sjt). (Entered: 03/14/2014)	
03/14/2014	<u>34</u>	RESPONSE in Opposition re <u>28</u> MOTION for Partial Summary Judgment filed by Natalie Dowell. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Caddell, Michael) (sjt). (Entered: 03/14/2014)	
03/17/2014	<u>35</u>	ORDER re; Oral Argument. Defendants motion to dismiss 7 and motion for partial summary judgment 28 are set for hearing on March 28, 2014. The Court finds these motions suitable for determination on the papers submitted and without oral argument under Civil Local Rule 7.1(d)(1). Accordingly, no appearances are required. Signed by Judge M. James Lorenz on 3/17/2014.(sjt) (Entered: 03/17/2014)	
03/21/2014	<u>36</u>	REPLY to Response to Motion re <u>28</u> MOTION for Partial Summary Judgment filed by General Information Services, Inc (Attachments: # <u>1</u> Proof of Service) (Lorch, Gary) (sjt). (Entered: 03/21/2014)	

03/21/2014	<u>37</u>	Joint Statement of Undisputed Facts by General Information Services, Inc. re 28 MOTION for Partial Summary Judgment (Attachments: # 1 Proof of Service)(Lorch, Gary) (sjt). (Entered: 03/21/2014)	
03/31/2014	38	Joint MOTION to Stay re <u>28</u> MOTION for Partial Summary Judgment, <u>7</u> MOTION to Dismiss with Prejudice Count I of the First Amended Complain Pending Settlement Discussions by Lee Clark, Natalie Dowell, Leo Kidd. (Attachments: # <u>1</u> Proof of Service)(Caddell, Michael) (sjt). (Entered: 03/31/2014)	
04/07/2014	<u>39</u>	ORDER granting 38 Joint Motion to Stay proceedings to conduct settlement discussions. The parties shall file a joint status update on settlement discussions on or before April 15, 2014. Signed by Judge M. James Lorenz on 4/7/2014. (sjt) (Entered: 04/07/2014)	
04/15/2014	40	STATUS REPORT <i>Update on Settlement Discussions</i> by General Information Services, Inc (Attachments: # 1 Proof of Service)(Hanson, Cindy) (sjt). (Entered: 04/15/2014)	
04/24/2014	41	ORDER CONTINUING STAY OF CASE. This matter is currently stayed pending settlement. The parties have provided a status update indicating settlement discussions are ongoing. The parties have also requested that the stay be maintained. Good cause appearing, the Court Stays all proceedings. [Doc. 40.] The parties shall file a joint status update on settlement discussions on or before May 15, 2014. Signed by Judge M. James Lorenz on 4/24/2014.(sjt) (Entered: 04/24/2014)	
05/15/2014	<u>42</u>	STATUS REPORT <i>Update on Settlement Discussions</i> by General Information Services, Inc (Attachments: # 1 Proof of Service)(Lorch, Gary) (jpp). (Entered: 05/15/2014)	
06/02/2014	<u>43</u>	Joint MOTION to Change Venue / <i>Transfer Case</i> by General Information Services, Inc (Attachments: # 1 Proof of Service)(Lorch, Gary)(sjt). (Entero 06/02/2014)	
06/10/2014	44	Case transferred to District of Eastern District of Pennsylvania. Files transferred electronically to: *District of Eastern District of Pennsylvania*.*601 Market Street, Room 2609**Philadelphia, PA 19106-1797*. Signed by Judge M. James Lorenz on 6/10/2014. (Attachments: # 1 Transfer Order) (sjt) (Entered: 06/10/2014)	

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